



General Assembly

January Session, 2001

Amendment

LCO No. 6970

Offered by:

REP. WARD, 86th Dist.

To: Subst. House Bill No. 6636

File No. 438

Cal. No. 316

(As Amended by House Amendment Schedule "A")

"AN ACT CONCERNING PRIVATIZED PUBLIC RECORDS."

1 Strike section 1 in its entirety and substitute the following in lieu
2 thereof:

3 "Section 1. Section 1-200 of the general statutes is repealed and the
4 following is substituted in lieu thereof:

5 As used in this chapter, the following words and phrases shall have
6 the following meanings, except where such terms are used in a context
7 which clearly indicates the contrary:

8 (1) "Public agency" or "agency" means: [any]

9 (A) Any executive, administrative or legislative office of the state or
10 any political subdivision of the state and any state or town agency, any
11 department, institution, bureau, board, commission, authority or
12 official of the state or of any city, town, borough, municipal
13 corporation, school district, regional district or other district or other

14 political subdivision of the state, including any committee of, or
15 created by, any such office, subdivision, agency, department,
16 institution, bureau, board, commission, authority or official, and also
17 includes any judicial office, official, or body or committee thereof but
18 only [in] with respect to its or their administrative functions; [. "Public
19 agency" includes an]

20 (B) Any person to the extent such person is deemed to be the
21 functional equivalent of a public agency;

22 (C) On and after October 1, 2001, for purposes of this chapter
23 relating to public records or files, any nongovernmental person
24 performing a governmental function on behalf of a public agency, but
25 only with respect to such governmental function, if (i) such person
26 receives a significant level of funding from the state for the
27 performance of such governmental function, whether by way of grant,
28 allotment or payment for services rendered pursuant to a contract, (ii)
29 the state government is involved in or regulates to a significant extent
30 the performance by such person of the governmental function,
31 whether or not such involvement or regulation is direct, pervasive,
32 continuous or day-to-day, and (iii) such person participates in the
33 formulation of governmental policies or decisions in connection with
34 the performance of such governmental function; or

35 (D) Any "implementing agency", as defined in section 32-222.

36 (2) "Meeting" means any hearing or other proceeding of a public
37 agency, any convening or assembly of a quorum of a multimember
38 public agency, and any communication by or to a quorum of a
39 multimember public agency, whether in person or by means of
40 electronic equipment, to discuss or act upon a matter over which the
41 public agency has supervision, control, jurisdiction or advisory power.
42 "Meeting" shall not include: Any meeting of a personnel search
43 committee for executive level employment candidates; any chance
44 meeting, or a social meeting neither planned nor intended for the
45 purpose of discussing matters relating to official business; strategy or

46 negotiations with respect to collective bargaining; a caucus of members
47 of a single political party notwithstanding that such members also
48 constitute a quorum of a public agency; an administrative or staff
49 meeting of a single-member public agency; and communication
50 limited to notice of meetings of any public agency or the agendas
51 thereof. A quorum of the members of a public agency who are present
52 at any event which has been noticed and conducted as a meeting of
53 another public agency under the provisions of the Freedom of
54 Information Act shall not be deemed to be holding a meeting of the
55 public agency of which they are members as a result of their presence
56 at such event.

57 (3) "Caucus" means a convening or assembly of the enrolled
58 members of a single political party who are members of a public
59 agency within the state or a political subdivision.

60 (4) "Person" means natural person, partnership, corporation, limited
61 liability company, association or society.

62 (5) "Public records or files" means any recorded data or information
63 relating to the conduct of the public's business prepared, owned, used,
64 received or retained by a public agency, whether such data or
65 information be handwritten, typed, tape-recorded, printed,
66 photostated, photographed or recorded by any other method.

67 (6) "Executive sessions" means a meeting of a public agency at
68 which the public is excluded for one or more of the following
69 purposes: (A) Discussion concerning the appointment, employment,
70 performance, evaluation, health or dismissal of a public officer or
71 employee, provided that such individual may require that discussion
72 be held at an open meeting; (B) strategy and negotiations with respect
73 to pending claims or pending litigation to which the public agency or a
74 member thereof, because of [his] the member's conduct as a member of
75 such agency, is a party until such litigation or claim has been finally
76 adjudicated or otherwise settled; (C) matters concerning security
77 strategy or the deployment of security personnel, or devices affecting

78 public security; (D) discussion of the selection of a site or the lease, sale
79 or purchase of real estate by a political subdivision of the state when
80 publicity regarding such site, lease, sale, purchase or construction
81 would cause a likelihood of increased price until such time as all of the
82 property has been acquired or all proceedings or transactions
83 concerning same have been terminated or abandoned; and (E)
84 discussion of any matter which would result in the disclosure of public
85 records or the information contained therein described in subsection
86 (b) of section 1-210.

87 (7) "Personnel search committee" means a body appointed by a
88 public agency, whose sole purpose is to recommend to the appointing
89 agency a candidate or candidates for an executive-level employment
90 position. Members of a "personnel search committee" shall not be
91 considered in determining whether there is a quorum of the
92 appointing or any other public agency.

93 (8) "Pending claim" means a written notice to an agency which sets
94 forth a demand for legal relief or which asserts a legal right stating the
95 intention to institute an action in an appropriate forum if such relief or
96 right is not granted.

97 (9) "Pending litigation" means (A) a written notice to an agency
98 which sets forth a demand for legal relief or which asserts a legal right
99 stating the intention to institute an action before a court if such relief or
100 right is not granted by the agency; (B) the service of a complaint
101 against an agency returnable to a court which seeks to enforce or
102 implement legal relief or a legal right; or (C) the agency's consideration
103 of action to enforce or implement legal relief or a legal right.

104 (10) "Freedom of Information Act" means this chapter.

105 (11) "Governmental function" means the administration or
106 management, whether or not by contract, of a program of a public
107 agency, which program has been authorized by law to be administered
108 or managed by a nongovernmental person. "Governmental function"
109 shall not include the mere provision of goods or services to a public

110 agency, whether or not by contract, without the delegated
111 responsibility to administer or manage a program of a public agency."